

FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: April 15, 2015

Agenda Item: Proposed ARM Regarding Recreational Use on Silver Lake

Division: Enforcement

Action Needed: Final

Time Needed on Agenda for this Presentation: 30 minutes

Background

A petition from Butte-Silver Bow County provided the following background: Silver Lake is a storage reservoir owned and operated by the City and County of Butte-Silver Bow. Silver Lake is located in Deer Lodge County. Water stored there is released to Warm Springs Creek for in-stream flow and industrial purposes. Because Silver Lake is a storage reservoir, its water level can change quickly. A number of intake and outlet structures are located on the east end of Silver Lake. These facilities include the intake for water diverted from Twin Lakes Creek, Storm Lake, and Storm Lake Creek; a gravity flow outlet into Warm Spring Creek; and a bridge and pump station. The east end of Silver Lake is shallow, which intensifies the effect of rapid water-level changes. The presence of inlet and outlet structures, the shallow east end of the reservoir, and the potential for rapidly changing water levels throughout the reservoir pose a safety hazard for watercraft operated on the lake on the east end. Motorized watercraft use in the east end may also lead to trespass and damage to the reservoir structures. In addition, bull trout gather at the inlet structure on the east end of the reservoir during spawning. As a result of these conditions, motorized water craft speed should be limited to no wake on the entire lake. The proposed restrictions in the remaining area of the reservoir allow fishing use to continue while providing for public safety. On Dec.11, 2014 the Commission initiated rule making.

Public Involvement Process & Results

A proposed rule was published on Jan. 29. Public comment was taken until March 6. A public hearing was conducted at the public library in Anaconda on Feb. 26. Eighteen groups or individuals commented. Twelve opposed the rule, five supported the rule, and one did not state an opinion.

Alternatives and Analysis

The Commission can adopt or not adopt the rule. If the Commission doesn't adopt the rule, existing recreational-use regulations on Silver Lake will remain as they are. If the Commission adopts the rule, motorized watercraft on the lake would be limited to no-wake speed as defined in ARM 12.11.101.

Agency Recommendation & Rationale

FWP recommends the Commission not adopt the rule as proposed. There is minimal boat activity and very little use by personal watercraft or waterskiing. Anecdotal information indicates recreational boating has rarely occurred. There are no recorded instances of any unsafe boating, complaints of unsafe boating, or reported accidents. Public comment was predominantly opposed to the rule. Concern remains, however, for potential fluctuating water levels, the security of the infrastructure, and the potential for boaters to accidentally strike the equipment. Based on those concerns, FWP recommends a 100-foot closure to boating, sailing, floating, and swimming, as marked by buoys, around the equipment on the east end of the reservoir. Acquisition, placement, and maintenance of buoys or signs identifying the closed area are the responsibility of Butte-Silver Bow County

Proposed Motion

I move the Commission not adopt the original proposed administrative rule regarding the recreational use on Silver Lake and move the Commission propose a new rule establishing a 100-foot restriction surrounding the equipment on the east end of the reservoir.